

Customer No.	0264	
Attorney's Docket No.:	GK-OEH-119 / 500814.20020	
U.S. Application No.:		
International Application No.:	PCT/DE01/01946	
International Filing Date:	MAY 22, 2001	22 MAY 2001
Priority Date Claimed:	MAY 23, 2000	23 MAY 2000
Title of Invention:	STABLE NEAR-INFRARED (NIR) MARKER DYES BASED ON BENZOPYRILIUM-POLYMETHINES	
Applicant(s) for (DO/EO/US):	Peter CZERNEY, Wilhelm FRANK, Frank LEHMANN, Bernd SCHWEDER and Matthias WENZEL	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- [X] 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.  
[ ] 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.  
[ ] 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)] at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and 4.  
[ ] 4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.  
[X] 5. A copy of **Publication No. WO 01/90253 29NOV01** the International Application as filed [35 U.S.C. 371(c)(2)]  
a) ☐ is transmitted herewith (required only if not transmitted by the International Bureau)  
b) ☐ has been transmitted by the international Bureau  
c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)  
[X] 6. A translation of **Publication No. WO 01/90253 29NOV01** the International Application into English [35 U.S.C. 371(c)(2)]  
[ ] 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]  
a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau)  
b) ☐ have been transmitted by the International Bureau  
c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.  
d) ☐ have not been made and will not be made  
[ ] 8. A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]  
[X] 9. An **EXECUTED** Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]  
[ ] 10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

**Items 11. to 16. Below concern other document(s) or information included:**

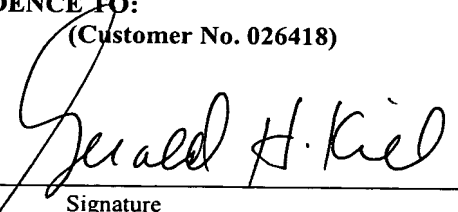
- [X] 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98  
[X] 12. An Assignment document for recording. A separate cover sheet (PTO-1619A) in compliance with 37 CFR 3.28 and 3.31 is included.  
[X] 13. ☒ A **FIRST** preliminary amendment  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment  
[X] 14. A **substitute specification and abstract (attached to the preliminary amendment)**  
[ ] 15. A change of power of attorney and/or address letter  
[X] 16. (other items or information) **PCT/RO/101, PCT/IB/308 29NOV01, WO 01/90253 29NOV01, Search Report: (PCT/ISA/210) 05NOV01, PTO-1449 w/3 references and 3 English language Abstracts.**

EXPRESS MAIL No.: **EL 915 668 192 US**

Deposited: **January 21, 2002**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PCT, Commissioner for Patents, Washington, DC 20231.

  
/Ruth Montalvo Date: **January 21, 2002**

<input checked="" type="checkbox"/> 17. The following fees are submitted:						
BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]						
<input checked="" type="checkbox"/>	Search Report has been prepared by the EPO or JPO.....	\$	890.00			
<input type="checkbox"/>	International preliminary examination fee paid to USPTO [37 CFR 1.482].....	\$	710.00			
<input type="checkbox"/>	No International preliminary examination fee paid to USPTO [37 CFR 1.482] but International search fee paid to USPTO [37 CFR 1.445(a)(2)].....	\$	740.00			
<input type="checkbox"/>	Neither International preliminary examination fee [37 CFR 1.482] nor International search fee [37 CFR 1.445(a)(2)] paid to USPTO.....	\$	1,040.00			
<input type="checkbox"/>	International preliminary examination fee paid to USPTO [37 CFR 1.482] and all claims satisfied provisions of PCT Article 33(1)-(4).....	\$	100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT:					\$890.00	
Claims		Number Filed		Number Extra	Rate	
Total Claims Prel. Amdt)		20	-20		x \$ 18. =	
Indep. Claims		1	-03		x \$ 80. =	
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)					+ \$ 270. =	
TOTAL OF ABOVE CALCULATIONS:					\$890.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(e)]						
TOTAL OF ABOVE CALCULATIONS:					\$890.00	
Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by 1/2 for filing by small entity						
SUBTOTAL:					\$890.00	
Processing fee of \$130.00 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)]						
TOTAL NATIONAL FEE:					\$890.00	
Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property					+	\$ 40.00
TOTAL FEE(S):					\$930.00	
AMOUNTS TO BE REFUNDED OR CHARGED					REFUNDED CHARGED	\$ \$
(Please note the filing fee is based on the claims in the Preliminary Amendment)						
<input checked="" type="checkbox"/> Check in the amount of \$ 930.00 to cover the above fees is enclosed. (The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit any overpayment to Deposit Account No: 50-1529.)						
NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.						
SEND ALL CORRESPONDENCE TO:						
Gerald h. Kiel, Esq. (Customer No. 026418)						
Reed Smith LLP						
375 Park Avenue						
New York, NY 10152						
Gerald H. Kiel					25.116	
Name (Tel. (212) 521-5400)					Reg. No.	
					January 21, 2002	
					Date	